

2 A. Yeah. That's what it says here.  
3 Q. Yes. Thank you very much.  
4 So it doesn't say anywhere  
5 in Detective Lawson's notes anywhere that you  
6 identified what you were sending to him as a  
7 protection from abuse order.  
8 Does it?  
9 A. One more time.  
10 Q. Sure.  
11 MR. HENZES: In his notes?  
12 MR. PURICELLI: In his  
13 notes, of course.  
14 What, do you want me to  
15 ask him to look in his head?  
16 BY MR. PURICELLI:  
17 Q. Can you show me in his notes  
18 anywhere where Detective Lawson indicates you  
19 were representing the order you were sending  
20 down to be the expired protection from abuse  
21 order?  
22 A. I sent him what he asked for.  
23 Q. Did he ask for a custody order?  
24 A. He asked me for whatever type of  
25 order we had.

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2 Q. Okay.  
3 A. That's what we had.  
4 Q. Can I find anywhere in any notes  
5 to verify what you're telling me, that he  
6 asked for any order you had?  
7 A. No.  
8 Q. Okay. Were you aware that there  
9 was a pickup order and two orders out of  
10 Albuquerque, New Mexico?  
11 A. For what?  
12 Q. For Sara to turn the children  
13 over to that court.  
14 A. No.  
15 Q. Were you aware that there were  
16 orders for Sara to appear in New Mexico court  
17 in regards to the children?  
18 A. No.  
19 Q. Okay. Is it your testimony that  
20 David Bush did not provide you with those  
21 orders?  
22 A. I don't recall seeing them.  
23 Q. Okay. Do you know a Brian  
24 Russell?  
25 A. I don't recall Brian Russell.

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1 JOSEPH TRIPP  
2 Q. Have you ever remember seeing  
3 anything from the Pennsylvania State Police  
4 in regards to David Bush, okay, where it said  
5 that it would not assist the Richmond City  
6 Police Department?  
7 A. Have I got anything -- I don't  
8 understand your question.  
9 Q. I'm just wondering if during your  
10 review of the documents and stuff you've come  
11 across any documentation where the  
12 Pennsylvania State Police told the Richmond  
13 City Police Department they would not  
14 assist --  
15 A. No.  
16 Q. -- the Richmond City Police  
17 Department in the recovery of the Bush kids.  
18 A. From the State Police?  
19 Q. Uh-huh.  
20 A. No.  
21 MR. PURICELLI: Mark this,  
22 please.  
23 ---  
24 (Exhibit Tripp-5, marked  
25 for identification.)

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1 JOSEPH TRIPP  
2 ---  
3 BY MR. PURICELLI:  
4 Q. Showing you an Affidavit that was  
5 filed in the instant action, the one you're  
6 involved in as a defendant, and it was  
7 represented by Defendant Brian Russell's  
8 attorney to be an affidavit from him.  
9 Let me draw your attention  
10 to the second page, paragraph nine.  
11 Actually, you can read  
12 eight.  
13 A. Okay.  
14 Q. Okay. Now, you see where he  
15 writes on paragraph nine that he called the  
16 Pennsylvania State Police?  
17 A. Yes.  
18 Q. And do you see where he writes he  
19 requested the entity's assistance --  
20 A. Yes.  
21 Q. -- in obtaining the Bushes'  
22 children?  
23 A. Yes.  
24 Q. Okay. And that entity, however,  
25 refused to assist?

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2 A. That is correct.  
 3 Q. Okay. Do you recall being told  
 4 or seeing any document reflecting who it was  
 5 Brian Russell may have talked to from the  
 6 Pennsylvania State Police?  
 7 A. No.  
 8 Q. Were you aware that someone from  
 9 the Pennsylvania State Police refused to  
 10 assist in the return of the David Bush  
 11 children?  
 12 A. No.  
 13 Q. Are you familiar with the AR  
 14 manual?  
 15 A. Sure.  
 16 Q. Okay. Are you familiar with the  
 17 section provided in the Section 64-6 that  
 18 department, meaning State Police members,  
 19 have an obligation to highest standards of  
 20 honesty, integrity and impartiality of their  
 21 conduct?  
 22 A. Correct.  
 23 Q. Do you agree that was still the  
 24 standard at the time that you were involved  
 25 with David Bush?

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2 A. Yes.  
 3 Q. Do you agree that the department  
 4 administrative regulations during the time  
 5 that you were involved with the Bush incident  
 6 required your conduct to render assistance  
 7 rather than ignore your duties?  
 8 A. Sure.  
 9 Q. And do you agree that the  
 10 requirements under the AR hold that you're to  
 11 provide a form of conduct that reflects  
 12 favorable to the department and the  
 13 Commonwealth?  
 14 A. Yes.  
 15 Q. And will you agree that your  
 16 undesired conduct shall include -- meaning  
 17 what they don't want you to do -- immorality  
 18 or any act or conduct not specifically  
 19 mentioned in these rules which tends to bring  
 20 the department or Commonwealth into disrepute  
 21 or reflects discredit upon the individual  
 22 employee?  
 23 A. Sure.  
 24 Q. Okay. And these are codes of  
 25 conduct.

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1 JOSEPH TRIPP  
 2 Correct?  
 3 A. Uh-huh.  
 4 Q. Would you agree with me that the  
 5 administrative regulation 4.6 requires that  
 6 employees shall not shirk their duties or  
 7 responsibilities but shall perform them?  
 8 A. Sure.  
 9 Q. Would you agree with me that  
 10 there is regulations on how to conduct  
 11 missing children investigations?  
 12 A. Sure.  
 13 Q. Would you agree with me that  
 14 there's also regulations specifically on how  
 15 to conduct investigations?  
 16 A. Yes.  
 17 Q. Okay.  
 18 A. Could you tell me what the date  
 19 is from that manual?  
 20 Q. Yeah. These are '91.  
 21 Have they changed?  
 22 A. Oh, absolutely.  
 23 Q. That's why I'm asking if you  
 24 agree back at the time these were still --  
 25 A. Have they changed since '91?

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1 JOSEPH TRIPP  
 2 Q. Sure, they have. They update  
 3 them regularly.  
 4 Right?  
 5 A. Yes.  
 6 Q. Okay. Another date I have is  
 7 11/14/1996. Some of them don't change.  
 8 Right?  
 9 A. Well, the majority of them  
 10 verbiage changes. Sure.  
 11 Q. All right. How about the  
 12 verbiage I mentioned?  
 13 A. The general concept has not  
 14 changed.  
 15 Q. Oh, okay. If you want I'll ask  
 16 you to produce the current version of these  
 17 rules, unless we can agree the rule, itself,  
 18 is the same.  
 19 Can we?  
 20 A. Like I said, generally speaking,  
 21 sure.  
 22 Q. I'm not looking to make work for  
 23 your attorney or grow any more trees than I  
 24 have to.  
 25 Would you agree with me

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1 that the administrative regulations at the  
2 time of the Bush events also dealt with  
3 unprotected speech of the employees?  
4 A. Unprotected speech of?  
5 MR. HENZES: Employees.  
6 BY MR. PURICELLI:  
7 Q. Of employees. Meaning department  
8 members. Police officers. State Police  
9 officers. Meaning you could say certain  
10 things and you couldn't say certain things as  
11 a State Trooper.  
12 A. Sure.  
13 Q. Okay. And some of the things  
14 that you can't say are liable and slander no  
15 matter what.  
16 Correct?  
17 A. Sure.  
18 Q. Can't knowingly make false  
19 statements.  
20 Correct?  
21 A. Correct.  
22 Q. And you can't make statements  
23 made with a reckless disregard for their  
24 truth.  
25

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2 Can you?  
3 A. Correct.  
4 Q. Did you tell anybody that there  
5 was a full custody order for the Bush  
6 children?  
7 A. Like I said, he asked me if there  
8 was any orders that we had, and as it says in  
9 his notes, I stated there was some type of  
10 order that had expired in January of 2006.  
11 Q. Okay.  
12 A. Because we knew when he first  
13 came in he provided us with those orders  
14 showing the PFA, all that stuff, had expired.  
15 Q. Did you verify he was telling the  
16 truth?  
17 A. Me, personally? No.  
18 Q. Is there any reason you had to  
19 believe that the PFA?  
20 MR. BUSH: Can I speak  
21 with you for a second?  
22 - - -  
23 (Discussion held off the  
24 record.)  
25 - - -

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1 JOSEPH TRIPP  
2 BY MR. PURICELLI:  
3 Q. When you met with Dave Bush at  
4 any time, okay, did you tell him that the PFA  
5 that expired, okay, barred him from ever  
6 seeing his kids?  
7 A. No.  
8 Q. Did you tell him you had a  
9 custody order that barred him from ever  
10 having his kids?  
11 A. Not that I can recall.  
12 Q. Did you ever tell him, in fact,  
13 using those words, okay, the Superior Court  
14 says you can never see your kids?  
15 A. No.  
16 Q. Okay. So those would all have  
17 been false statements if attributed to you.  
18 Correct?  
19 A. Correct.  
20 Q. Would you agree with me part of  
21 the prohibitions for your conduct under  
22 speech is that you can't make gestures?  
23 A. No.  
24 Q. Okay.  
25 A. What kind of gestures are you

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1 JOSEPH TRIPP  
2 referring to?  
3 Q. Course -- not employ course,  
4 boisterous or insolent language or gestures.  
5 A. That's what you're reading there.  
6 Q. That's why I'm reading it.  
7 Was that --  
8 A. Then I guess I agree with you.  
9 Q. Okay. When you spoke to  
10 Christopher Bush did you laugh?  
11 A. Absolutely I did.  
12 Q. Do you remember your testimony?  
13 A. Yes.  
14 Q. And you were laughing at a joke  
15 he said?  
16 A. No.  
17 Q. You were laughing because you  
18 took something to be funny?  
19 A. Yes.  
20 Q. And that was the fact that he  
21 said his name was David Bush (sic)?  
22 A. Detective Bush.  
23 Q. Detective Bush. Excuse me.  
24 A. Did I chuckle? Yes.  
25 Q. And you didn't think that was

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2 insolent?  
3 A. Think that was what?  
4 Q. Insolent.  
5 A. No.  
6 Q. You didn't?  
7 A. No.  
8 Q. Do you know what it is, insolent  
9 conduct?  
10 A. Disrespectful?  
11 Q. Yeah.  
12 A. No.  
13 How is that disrespectful?  
14 Q. Do you always laugh at people  
15 when they answer the phone with their name  
16 and rank?  
17 A. Again, put yourself in my shoes.  
18 Q. I am. That's why I'm asking the  
19 question.  
20 A. I'm talking to him asking who is  
21 his conduct as Newtown Township Police  
22 Department.  
23 He says, don't have one.  
24 I then make the phone call  
25 down there and find out, yes. They do have

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2 somebody investigating this. And when he  
3 answers the phone Detective Bush, would you  
4 not find that humorous?  
5 Q. No.  
6 A. I did.  
7 Q. Okay. Well, that's --  
8 A. If I insulted him, I apologize.  
9 Q. Okay. Now, that's from your  
10 point of view.  
11 You would agree with me as  
12 a person whose collecting facts I have no  
13 documents from you to say that was what was  
14 going on. I only have your testimony now.  
15 Correct?  
16 A. You have no documents?  
17 Q. No documents from you saying on  
18 that date I did this and this is what  
19 happened.  
20 A. No.  
21 Q. All right. And you're presently  
22 a person who's defending a lawsuit.  
23 Correct?  
24 A. Correct.  
25 Q. Oh, okay. And you're presently

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1 JOSEPH TRIPP  
2 the person who was the subject of a BPR  
3 complaint by Christopher Bush.  
4 Correct?  
5 A. Correct.  
6 Q. Using your analysis putting  
7 yourself in one's shoes, wouldn't you agree  
8 with me that looks kind of suspicious that  
9 you can't remember anything or deny something  
10 the others say you did?  
11 A. I admitted that I laughed. You  
12 asked me if I laughed. I did.  
13 Q. Okay.  
14 MR. HENZES: He did.  
15 THE WITNESS: I said I  
16 did.  
17 BY MR. PURICELLI:  
18 Q. I asked if you were insolent.  
19 A. If you recall, I said I laughed.  
20 That's what I did.  
21 Q. Did you think you were being  
22 disrespectful --  
23 A. No.  
24 Q. -- based on a person from my  
25 point of view?

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1 JOSEPH TRIPP  
2 MR. HENZES: Well, I don't  
3 think your point of view is relevant.  
4 So can we kind of move to  
5 something else here?  
6 MR. PURICELLI: Well,  
7 unfortunately relevance is --  
8 MR. HENZES: Well, you  
9 know, I mean, if we're not going to ask  
10 something else, the court reporter is  
11 getting tired. She wants to go home.  
12 I'll end it and we could make her happy  
13 at least.  
14 MR. PURICELLI: Okay.  
15 Well, we'll go another ten minutes and  
16 get everybody out of here and bring the  
17 Major back.  
18 BY MR. PURICELLI:  
19 Q. Now, the AR also has a Section  
20 4.6 (g) that talks about demeanor and  
21 conduct. Courtesy toward the public shall be  
22 strictly observed.  
23 Correct?  
24 MR. HENZES: The AR is not  
25 members. That's the employees' conduct,

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1 not members conduct.  
 2 BY MR. PURICELLI:  
 3 Q. Are you saying the AR then I'm  
 4 talking about now doesn't apply to members,  
 5 meaning you and State Troopers and it relates  
 6 to civilians?  
 7 A. I believe that --  
 8 MR. HENZES: Whatever the  
 9 administrative regulations says it says.  
 10 Go ahead.  
 11 BY MR. PURICELLI:  
 12 Q. Okay. Are you aware that you  
 13 have to follow the code of conduct that's set  
 14 out in the AR?  
 15 A. I believe my code of conduct is  
 16 under the FR.  
 17 Q. Okay. So is it your  
 18 understanding the administrative regulations  
 19 don't apply to you at all?  
 20 A. They apply to my job.  
 21 Q. Which means you.  
 22 Don't they?  
 23 A. Yeah.  
 24 Q. Okay. Thank you.  
 25

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2 A. But I believe that if you want my  
 3 code of conduct you pull that from the FR.  
 4 Q. Okay. Are you telling me then in  
 5 your experience with the State Police no  
 6 State Trooper is charged with violations of  
 7 the administrative rights?  
 8 A. I don't know.  
 9 Q. Okay. AR pretty much mirrors the  
 10 FR.  
 11 Correct?  
 12 A. But I believe as the Major  
 13 pointed out, one is for members, one is for  
 14 employees.  
 15 Q. FR 1.1 conformance to laws,  
 16 familiar with that one?  
 17 A. Sure.  
 18 Q. Okay. It says: You shall abide  
 19 by the laws of the United States and the  
 20 Commonwealth of Pennsylvania?  
 21 A. Yes.  
 22 Q. Would that include section 2908  
 23 of the crimes code?  
 24 A. Again, you attempt to twist  
 25 something.

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1 JOSEPH TRIPP  
 2 Q. It's a yes or no question.  
 3 A. Does it apply to --  
 4 Q. It's a yes or no question,  
 5 Sergeant.  
 6 A. Could you repeat the question?  
 7 Q. Does that FR regulation apply  
 8 also to that section of the crimes code?  
 9 A. Sure.  
 10 Q. Are you familiar with field  
 11 regulation 1.28, internal investigations?  
 12 A. Somewhat.  
 13 Q. Okay. Are you aware that that  
 14 investigation, that provision requires  
 15 written statements from a person who's the  
 16 subject of an internal investigation?  
 17 A. What's the date of that?  
 18 MR. HENZES: Are you  
 19 asking him does he know that's what it  
 20 says?  
 21 THE WITNESS: No.  
 22 BY MR. PURICELLI:  
 23 Q. Okay. But you did give a written  
 24 statement.  
 25 Correct?

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1 JOSEPH TRIPP  
 2 A. I don't know.  
 3 Was I interviewed? Yes.  
 4 Q. Are you familiar with any FR  
 5 regulation for performance of duties?  
 6 A. Sure.  
 7 Q. Okay. Are you familiar with the  
 8 rules indicate ignorance of the rules and  
 9 regulations or directive shall not be  
 10 construed an excuse for --  
 11 A. Sir, I believe you're reading  
 12 stuff that is so old that --  
 13 Q. Well, is that still a rule that's  
 14 in effect?  
 15 A. I am not sure what is all in  
 16 there.  
 17 Q. So then maybe your attorney will  
 18 explain to me if I asked for the policies and  
 19 procedures why I don't have them.  
 20 MR. HENZES: You asked for  
 21 once concerning investigations into  
 22 missing children. We supplied those for  
 23 you. They were quite specific.  
 24 MR. PURICELLI: Uh-huh.  
 25 MR. HENZES: And we gave

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1 you those.  
 2  
 3 You did not ask for the  
 4 general field regulations as of --  
 5 BY MR. PURICELLI:  
 6 Q. Do the field regulations, the FR,  
 7 apply throughout your performances or do they  
 8 evaporate when you're doing missing persons  
 9 investigations?  
 10 A. No. They do not evaporate.  
 11 Q. They still apply.  
 12 Don't they?  
 13 A. Sure.  
 14 Q. Sure.  
 15 So if I ask for all the  
 16 rules and regulations that would apply  
 17 against an officer, trooper in the  
 18 performance of their duties to look for  
 19 missing children that would include field  
 20 regulations.  
 21 Wouldn't it?  
 22 A. I'm not the attorney.  
 23 Q. I know you're not the attorney.  
 24 But if you were asked for  
 25 all the rules that control your conduct in

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2 investigation would I look to you to say,  
 3 well, you also have to look at the field  
 4 regulations?  
 5 A. Sure.  
 6 Q. Your attorney never asked you.  
 7 You never something from me saying what I  
 8 wanted as far as documents.  
 9 Did you?  
 10 A. Nope.  
 11 Q. All right. That was your  
 12 attorney's responsibility. Not mine.  
 13 A. Not mine, either, apparently.  
 14 MR. HENZES: We provided  
 15 you with what you asked for.  
 16 MR. PURICELLI: Okay. Let  
 17 me talk to my clients.  
 18 ---  
 19 (Discussion held off the  
 20 record.)  
 21 ---  
 22 BY MR. PURICELLI:  
 23 Q. Did you ever laugh after  
 24 Christopher Bush told you he would like to  
 25 share information with you?

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1 JOSEPH TRIPP  
 2 A. I don't recall that.  
 3 Q. Do you recall him asking you  
 4 would you like to share information with him?  
 5 A. I do believe he said that.  
 6 Q. And what did you say in response?  
 7 A. I don't know.  
 8 Q. You don't know what you said --  
 9 A. I don't recall what I said.  
 10 Q. -- or you don't recall?  
 11 A. Yeah. I don't recall what I  
 12 said.  
 13 Q. Well, if he said you laughed,  
 14 what factual reason can you tell me that's  
 15 not true?  
 16 A. I have no factual reason to tell  
 17 you that's not true.  
 18 Q. But you laughed during that phone  
 19 call.  
 20 A. Oh, yes. When he answered the  
 21 phone call Detective Bush, yes, I did.  
 22 Q. Okay. And you will agree with me  
 23 again that you didn't write down a report or  
 24 notes or anything for me to look at to see  
 25 whether you're telling me the truth or he is.

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1 JOSEPH TRIPP  
 2 Correct?  
 3 A. Correct.  
 4 Q. Okay. So you'll agree with me  
 5 that there's a dispute whether you laughed at  
 6 his request to exchange information or his  
 7 simply identifying himself as Detective Bush.  
 8 A. Sure.  
 9 Q. Just so we cap it off, you were  
 10 aware he made a complaint against you.  
 11 A. At what time? Eventually, yes.  
 12 Q. It's yes or no.  
 13 A. Yes.  
 14 Q. Okay. And you knew he was the  
 15 complainant when Lieutenant Hile spoke with  
 16 you.  
 17 Correct?  
 18 A. Yes.  
 19 Q. Okay. So I can look to those  
 20 reports for dates and they would be accurate  
 21 on the report, right, for knowledge?  
 22 A. No idea. I didn't write the  
 23 reports.  
 24 Q. Do you know of any prohibition  
 25 that he has by making a complaint about your

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1 conduct?  
2 He can do it.  
3 Right?  
4 A. Sure.  
5 Q. You're aware that's protected  
6 speech activity.  
7 A. He can do what he wants.  
8 Q. First amendment right. He can --  
9 MR. HENZES: Objection.  
10 You're asking for a legal conclusion.  
11 He has a right to file it.  
12 MR. PURICELLI: He can  
13 answer it.  
14 MR. HENZES: He can't  
15 answer legal conclusions.  
16 MR. PURICELLI: He can  
17 tell me his belief.  
18 MR. HENZES: Go ahead.  
19 THE WITNESS: Yes. He can  
20 file a complaint against me.  
21 BY MR. PURICELLI:  
22 Q. And in your belief do you know  
23 whether that's protected speech under the  
24 first amendment?  
25

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2 A. No.  
3 Q. You don't think it is?  
4 A. I have no idea.  
5 Q. Okay. You've had no training  
6 whether it is or isn't.  
7 Right?  
8 A. I don't really care. If he wants  
9 to make a complaint, he can make a complaint.  
10 Q. That wasn't my question,  
11 Sergeant. I can get you out of here, but if  
12 you want to get into a dialogue we will.  
13 You've had no training as  
14 to whether that is or isn't protected first  
15 amendment speech?  
16 A. Not that I can recall.  
17 Q. Okay. What have you done, if  
18 anything, to determine whether it is or isn't  
19 first amendment speech?  
20 A. I haven't done anything.  
21 Q. Okay.  
22 MR. PURICELLI: Okay.  
23 That's all.  
24 I think we're done with  
25 the sergeant.

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1 JOSEPH TRIPP  
2 ---  
3 (Witness excused.)  
4 ---  
5 (At 4:30 p.m., proceedings  
6 were concluded.)  
7 ---  
8  
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1 JOSEPH TRIPP  
2  
3 CERTIFICATE  
4  
5 I, BARBARA C. STALHEIM, being a  
6 Certified Shorthand Reporter in Pennsylvania, do  
7 hereby certify that the foregoing oral testimony of  
8 JOSEPH TRIPP was taken stenographically by me on  
9 Thursday, January 7, 2010, after the said witness was  
10 duly sworn or affirmed prior to the commencement of  
11 his testimony; and that this deposition transcript is  
12 a true and correct transcript of the same, fully  
13 transcribed under my direction, to the best of my  
14 ability and skill.  
15 I further certify that I am not  
16 a relative, employee or attorney of any of the parties  
17 in this action; that I am not a relative or employee  
18 of any attorney in this action; and that I am not  
19 financially interested in the event of this action.  
20  
21  
22  
23  
24  
25

BARBARA C. STALHEIM  
Certified Shorthand Reporter

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